

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROCHE DIABETES CARE, INC.,	)	
	)	
Plaintiff,	)	
Counterclaim-Defendant,	)	C.A. No. 24-668-GBW
	)	
v.	)	
	)	DEMAND FOR JURY TRIAL
TRIVIDIA HEALTH, INC.,	)	
	)	
Defendant,	)	
Counterclaim-Plaintiff.	)	

JOINT CLAIM CONSTRUCTION CHARTS

Pursuant to the Scheduling Order (D.I. 34), Plaintiff and Counterclaim-Defendant Roche Diabetes Care, Inc. (“Roche”) and Defendant and Counterclaim-Plaintiff Trividia Health, Inc. (“Trividia”) hereby provide the following Joint Claim Construction Charts for terms found in Roche’s asserted claims of U.S. Patent No. 7,727,467 (the “’467 patent”) and U.S. Patent No. 7,892,849 (the “’849 patent”) (attached hereto in Exhibit A), and in Trividia’s asserted claims of U.S. Patent No. 8,128,981 (the “’981 patent”) (attached hereto in Exhibit B).¹

Pursuant to Paragraph 8 of the Scheduling Order, copies of the intrinsic evidence relied upon by the parties are provided in the Appendix of Intrinsic Evidence to the Joint Claim Construction Chart filed contemporaneously herewith.

The parties' proposed constructions are expressly limited to the associated claims that are asserted in this case and they should not be taken as an admission or concession concerning construction of the same or similar language in the context of different claims or different patents.

¹ Roche asserts claims 1, 5-17, 19, and 21-25 of the '467 patent, and claims 1-16, 18-19, 21-24, and 26-27 of the '849 patent. Trividia asserts claims 1-4, 15-16, 18-20, 29, 30, 32, and 34 of the '981 patent. Trividia has also asserted claims 11-13, 17, 19-20, 26-27, and 31 of U.S. Patent No. 6,964,871 ("871 patent"), but neither party has proposed construing terms in the '871 patent.

In accordance with Paragraph 8 of the Scheduling Order, the Joint Claim Construction Charts include citations to only the intrinsic evidence in support of the parties' respective positions. The parties reserve the right to rely on intrinsic evidence identified by any party, and to amend and/or supplement the positions set forth in these Joint Claim Construction Charts with additional intrinsic evidence and/or modified proposed constructions, in response to positions taken by any other party (including by expert witnesses), and in response to any request or order by the Court. The parties also reserve the right to rely on extrinsic evidence, including expert testimony, in response to the opposing party's proposed constructions.

Dated: February 6, 2025

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Exhibit A
Disputed Constructions for Roche's Patents-in-Suit

Term No.	Claim Term	Roche's Proposed Construction	Roche's Intrinsic Evidence	Trividia's Proposed Construction	Trividia's Intrinsic Evidence
1	“sample-receiving chamber” '467 patent (claims 1, 9-14, 17, 19, 21-22) '849 patent (claim 1)	Plain and ordinary meaning	Ex. 1 ['467 patent]² at Abstract, 1:25-27, 1:53-59, 1:62-2:22, 2:33-36, 2:40-44, 2:53-3:18, 3:33-41, 3:52-4:4, 4:14-30, 5:3-6, 5:9-11, 5:46-57, 7:27-34, 7:40-59, 8:49-55, 9:60-65, 10:19-22, 10:52-61, 11:10-19, 11:54-57, 11:61-12:3, 12:6-9, 12:22-28, 12:32-35, 12:43-47, 12:54-57, 13:4-14, 13:28-45, 13:49-59, 13:62-14:12, 14:15-56, 14:65-67, 15:30-35, 15:38-53, 15:56-66, 16:116-44, 17:14-17, 17:23-26, 18:6-11, 27:62-28:2, claims 1, 4, 9-14, 17-22, 26-27, 35-36. Ex. 2 ['849 patent] at claims 1, 3, 5, 20.	“an area bounded by the base substrate and the [void]/[cavity] in the spacing layer”	Ex. 1 ['467 patent] at Claims 1, 4, 9-14, 17-22, 26-27, 35-36. Ex. 1 ['467 patent] at Abstract; 1:33-36; 1:51-61; 1:62-2:9; 2:10-22; 2:23-36; 2:40-46; 2:46-51; 2:62-3:6; 3:11-18; 3:33-41; 3:60-4:4; 4:23-30; 4:46-56; 5:3-17; 5:45-57; 7:2-21; 7:27-34; 7:36-44; 7:51-53; 7:54-60; 8:43-57; 10:21-22; 10:52-61; 11:10-19; 11:60-12:12; 12:20-28; 12:29-42; 12:43-53; 12:54-67; 13:5-14; 13:27-42; 13:48-59; 13:62-14:8; 14:14-28; 14:29-34; 14:35-50; 14:51-14:64; 15:4-8; 15:9-16; 15:17-29; 15:30-35; 17:9-22; 17:23-26; 17:31-

² Parties' Note: The '467 and '849 patents share a common specification. The parties' citations to the specification of the '467 patent are intended to also refer to the identical statements in the specification of the '849 patent, and vice versa.

Term No.	Claim Term	Roche's Proposed Construction	Roche's Intrinsic Evidence	Trividia's Proposed Construction	Trividia's Intrinsic Evidence
					49; 22:2-14; 27:62-28:4; 28:13-17; 28:24-33; 28:34-41; 29:6-25; 29:28-37; 29:47-49; 30:1-5; 30:11-15; 30:16-31; 32:24-26; 32:55-67; 33:2-10; 33:15-21; 33:34-43; 33:48-54; 34:1-7 Ex. 1 ['467 patent] at Figs. 1-5; 10-15. Ex. 7 ['467 patent PH excerpts] at 5/16/08 Non-Final Rejection; 8/15/08 Amendment/Response; 11/21/08 Final Rejection; 1/20/09 Response. Ex. 2 ['849 patent] at Claims 1, 3-6, 18-20, 27. Ex. 6 ['849 patent PH excerpts] at 10/28/10 NOA and Interview Summary Record.

Term No.	Claim Term	Roche's Proposed Construction	Roche's Intrinsic Evidence	Trividia's Proposed Construction	Trividia's Intrinsic Evidence
2	“covering a portion of the base substrate” '467 patent (claim 1)	Plain and ordinary meaning	Ex. 1 ['467 patent] at 1:25-26, 1:48-61, 1:62-2:9, 2:10-36, 2:62-3:6, 3:8-18, 3:24-32, 3:42-59, 4:14-22, 4:23-30, 5:52-55, 7:41-43, 10:52-11:3, 11:10-19, 11:48-57, 13:5-14, 17:10-13, 17:23-49, 17:50-63, 18:6-11, 27:56-28:4; claims 2, 3; 4, 26; Fig. 2, Fig. 3, Fig. 4, Fig. 8, Fig. 10, claim 1. Ex. 7 [January 20, 2009 Applicant Argument and Remarks] at RDC_TRVDA_0006421-22.	“covering the opposite side edges and a dosing end edge of the base substrate”	Ex. 1 ['467 patent] at Claims 1-5, 12-14, 23, 26-27, 29-31. Ex. 1 ['467 patent] at Abstract; 1:48-61; 1:62-2:9, 2:10-22; 2:23-36; 2:40-44; 2:46-61; 2:62-3:6; 3:19-32; 3:42-59; 4:5-13; 4:14-22; 4:23-30; 7:44-53; 8:40-67; 10:52-11:3; 11:4-9; 11:10-19; 11:20-22; 11:48-57; 13:1-14; 13:28-47; 14:35-50; 14:51-54; 17:14-22; 17:31-49; 17:50-63; 17:63-18:13; 18:14-18:26; 22:2-14; 26:51-62; 27:57-28:17; 30:40-49; 31:21-32:31; 33:29-43; 33:46-54; 34:1-8. Ex. 1 ['467 patent] at Figs. 1-5a, 8, 8a, Fig. 10-15. Ex. 7 ['467 patent PH excerpts] at 11/21/08 Final Rejection; 1/20/09 Response.

Term No.	Claim Term	Roche's Proposed Construction	Roche's Intrinsic Evidence	Trividia's Proposed Construction	Trividia's Intrinsic Evidence
					Ex. 2 ['849 patent] at Claims 18, 20, 27.
3	“sandwiched between” '467 patent (claims 1, 9) '849 patent (18, 27)	Plain and ordinary meaning	Ex. 1 ['467 patent] at 2:57-61, 3:33-35, 14:35-50, 17:59-62, 32:64-66, 34:21-24, Fig. 2, Fig. 3, claims 1, 8. Ex. 2 ['849 patent] at claims 18, 27.	“positioned between without any intermediary”	Ex. 1 ['467 patent] at Claims 1, 6-9, 15-16, 26, 33-38. Ex. 1 ['467 patent] at 2:46-61; 3:7-11; 3:33-41; 3:60-4:4; 7:35-64; 8:12-19; 11:60-12:3; 12:20-42; 13:1-26; 16:58-17:13; 17:50-63; 18:14-36; 26:51-62; 27:57-65; 28:13-28; 28:31-33; 28:36-45; 28:54-60; 29:26-37; 29:47-56; 29:60-30:5; 32:54-64; 33:6-8; 33:11-18; 33:29-31; 34:10-24. Ex. 1 ['467 patent] at Figs. 1-3, Figs. 10-12. Ex. 7 ['467 patent PH excerpts] at 5/16/08 Non-Final Rejection; 8/15/08 Amendment/Response;

Term No.	Claim Term	Roche's Proposed Construction	Roche's Intrinsic Evidence	Trividia's Proposed Construction	Trividia's Intrinsic Evidence
					11/21/08 Final Rejection; 1/20/09 Response; 7/6/09 Non-Final Rejection; 9/23/09 Response. Ex. 2 ['849 patent] at Claims 1, 7-9, 14-18, 21-23, 25-27. Ex. 6 ['849 patent PH excerpts] at 10/28/10 NOA and Interview Summary Record.
4	"layer" '467 patent (claims 1, 5-10, 12-16, 23-25) '849 patent (1, 3, 4, 18-19, 27)	Plain and ordinary meaning	Ex. 1 ['467 patent] at 9:18-32, 12:4-17, 13:15-27, 17:9-13, 20:50-54, 34:40-50, claims 1, 5-10, 12-16, 23-25. Ex. 2 ['849 patent] at claims 1, 3, 4, 18-19, 27.	"A thickness of material that is different from the material below or above it"	Ex. 1 ['467 patent] at Claims 1-3, 5-10, 12-16, 23-31, 33-39.

Term No.	Claim Term	Roche's Proposed Construction	Roche's Intrinsic Evidence	Trividia's Proposed Construction	Trividia's Intrinsic Evidence
					Ex. 1 ['467 patent] at Abstract, 1:49-56; 2:19-14; 2:21-36; 2:40-46; 2:52-61; 3:7-10; 3:19-21; 3:24-28; 3:34-41; 3:6-4:5; 4:5-13; 4:13-22; 4:23-4:30; 7:35-64; 8:20-38; 9:1-13; 9:15-26; 9:28-46; 10:19-26; 11:20-30; 11:59-62; 12:4-17; 12:20-25; 13:1-8; 13:15-26; 16:57-62; 17:1-5; 17:50-62; 26:51-55; 26:63-65; 27:2-5; 27:6-19; 27:6-19; 27:20-25; 27:56-62; 28:13-24; 28:54-63; 29:39-43; 31:22-29; 31:38-43; 32:24-31; 32:51-53; 33:11-26; 34:39-50. Ex. 1 ['467 patent] at Figs. 1-4, Figs. 9-13.

Term No.	Claim Term	Roche's Proposed Construction	Roche's Intrinsic Evidence	Trividia's Proposed Construction	Trividia's Intrinsic Evidence
					Ex. 7 ['467 patent PH excerpts] at 5/16/08 Non-Final Rejection; 8/15/08 Amendment/Response; 11/21/08 Final Rejection; 1/20/09 Response; 7/6/09 Non-Final Rejection; 9/23/09 Response. Ex. 2 ['849 patent] at Claims 1, 3-4, 18-20, 27.
5	“the two edges” '849 patent (claims 18, 27)	Not indefinite	Ex. 2 ['849 patent] at 3:26-34, 17:59-18:10, Fig. 2, Fig. 8, claims 1, 18, 27. Ex. 6 [October 28, 2010 Notice of Allowance] at RDC_TRVDA_00008200-207.	Indefinite	Ex. 1 ['467 patent] at Claims 1-5, 9, 26, 35. Ex. 1 ['467 patent] at Abstract; 2:23-24; 2:47-61; 2:61-64; 3:24-32; 3:35-38; 3:44-56; 4:19-22; 5:49-51; 7:54-64; 11:65-12:4; 13:42-44; 13:51-54; 14:16-22; 14:65-67; 17:57-62; 17:65-18:13; 27:40-46; 27:57-62; 30:6-8; 30:43-47; 31:13-16; 33:29-38; 33:53-67. Ex. 1 ['467 patent] at Figs. 1-4, 7, 13-14.

Term No.	Claim Term	Roche's Proposed Construction	Roche's Intrinsic Evidence	Trividia's Proposed Construction	Trividia's Intrinsic Evidence
					Ex. 7 ['467 patent PH excerpts] at 11/21/08 Final Rejection; 1/20/09 Response. Ex. 2 ['849 patent] at Claims 1, 13, 18, 27.
6	“the web of capillary-defining material” '849 patent (claim 27)	Not indefinite	Ex. 2 ['849 patent] at 3:62-4:6, 5:5-8, 11:61-65, 32:52-33:8, Fig. 10, claims 18, 27. Ex. 6 [October 28, 2010 Notice of Allowance] at RDC_TRVDA_00008200-207.	Indefinite	Ex. 1 ['467 patent] at 1:33-47; 3:56-59; 13:2-14; 13:49-59; 28:14-18; 28:34-41; 29:28-37; 29:39-41; 29:477-56; 29:62-30:5; 32:24-31; 32:54-33:10; 33:15-28; 33:44-54; 34:22-24; 34:29-32. Ex. 1 ['467 patent] at Figs. 1-3, 9-15. Ex. 2 ['849 patent] at Claims 1, 18, 27.
7	“the method comprising: (a); (b);	Plain and ordinary meaning	Ex. 2 ['849 patent] at 3:44-61; 3:62-4:6, 4:25-33, 9:16-32, 10:4-10, 16:59-67, 17:1-14, 17:62-	Each step of the method must be performed in order	Ex. 1 ['467 patent] at 3:42-59; 3:60-4:4; 4:23-27; 7:36-44; 8:21-24; 9:1-5; 9:15-27; 11:37-44;

Term No.	Claim Term	Roche's Proposed Construction	Roche's Intrinsic Evidence	Trividia's Proposed Construction	Trividia's Intrinsic Evidence
	(c); (d); (e); [and] f; [and (g)]" '849 patent (claims 1, 18, 27)		67, 18:8-10, 18:11-24, 18:29-33, 27:32-43, 27:53-57, 28:10-13, 28:29-42, 28:51-55, 29:59-63, 30:31-32; Fig. 5, Fig. 5A, claims 1, 18, 27. Ex. 6 [April 26, 2010 Preliminary Amendment] at RDC_TRVDA_00007929. Ex. 6 [October 28, 2010 Notice of Allowance] at RDC_TRVDA_00008207. Ex. 6 [November 11, 2010 Post-Allowance Communication] at RDC_TRVDA_00008249.		11:58-62; 12:2-25; 16:56-67; 17:10-14; 17:23-30; 17:46-59; 17:64-18:2l; 26:51-62; 26:51-65; 27:30-35; 27:36-40; 27:57-62; 27:65-28:4; 28:13-17; 28:33-45; 28:54-58; 29:6-21; 29:26-37; 29:38-41; 29:46-49; 29:62-66; 30:33-39; 30:40-52; 30:53-60; 32:24-31; 32:54-33:10; 33:11-18; 33:29-38; 33:44-54; 34:1-7. Ex. 1 ['467 patent] at Figs. 2-3, 5-5a, 6-15. Ex. 2 ['849 patent] at Claims 1, 4-6, 10-11, 18, 27.

Exhibit B
Disputed Constructions for Trividia’s Patent-in-Suit³⁴

Term No.	Claim Term	Trividia’s Proposed Construction	Trividia’s Intrinsic Evidence	Roche’s Proposed Construction	Roche’s Intrinsic Evidence
8	“movement of a [first/second] processing source” '981 patent (claim 1)	Plain and ordinary meaning	Ex. 3 ['981 patent] at Claims 1-7, 9-14. Ex. 3 ['981 patent] at Abstract; 1:44-52; 1:58-62; 2:7-20; 20:23-37; 2:40-47; 9:16-27; 9:28-45; 9:46-62; 10:21-25; 10:30-52;	“moving the parts of a [first/second] processing source, which excludes ablation by a broad field laser that passes through a mask”	Ex. 3 ['981 patent] at 9:46-55, claims 1-4, 15-16. Ex. 4 [Original Claims] at TRIVIDIA000320-331, [November 24, 2010 Office Action] at TRIVIDIA000554-556, [May 23, 2011 Office Action]

³ Roche’s Note: As Roche explained in the January 10, 2025 Opening Letter Brief in Support of Roche’s Motion to Stay Discovery on Trividia’s Counterclaims (D.I. 53) and the January 23, 2025 Plaintiff Roche Diabetes Care Inc.’s Proposed Constructions for its Proposed Terms, Roche lacks information as to how Trividia intends to apply its patent claims to the accused Roche products and the basis for Trividia’s inequitable conduct claim, is prejudiced by Trividia’s failure to sufficiently disclose its contentions, and, should Roche’s motion to stay be denied, then Roche reserves the right to seek a Markman hearing and/or construction regarding additional claim terms. Roche also reserves the right, consistent with the Federal Rules of Civil Procedure and the Local Rules of this Court, as well as any other applicable rule, to revise its proposed constructions and/or list of claim term(s)/phrase(s) for construction should Trividia provide any information it failed to provide in its Initial Infringement Contentions or pleadings, or should Trividia amend its Initial Infringement Contentions or pleadings in any way. The inclusion of constructions and/or terms in this list or a supplement to it does not necessarily mean that Roche contends that any of these terms is capable of being construed, and Roche reserves the right to contend that one or more of the identified terms are invalid as indefinite pursuant to 35 U.S.C. § 112.

⁴ Trividia’s Response to Roche’s Note: Trividia disagrees with Roche’s statements and categorization of Trividia’s Initial Infringement Contentions. Trividia notes that Roche has not moved to strike Trividia’s Initial Infringement Contentions, and neither party has served Final Infringement Contentions. Trividia reserves the right to object to any attempts by Roche to belatedly seek an additional Markman hearing or claim construction of additional terms.

Term No.	Claim Term	Trividia's Proposed Construction	Trividia's Intrinsic Evidence	Roche's Proposed Construction	Roche's Intrinsic Evidence
			10:42-55; 10:62-11:5; 11:9-13; 11:25-33; 12:28-37. Ex. 3 ['981 patent] at Fig. 1a-1b, 4a-b. Ex. 4 ['981 patent PH excerpts] at 10/27/2011 NOA.		Response] at TRIVIDIA000571, TRIVIDIA000574-580, [October 27, 2011 Notice of Allowance] at TRIVIDIA000620. Ex. 5 [U.S. Patent Application No. 2005/0019953] (discussed in Ex. 4).
9	"laser beam moved relative to the conductive layer along the [first/second] kerf" '981 patent (claim 18)	Plain and ordinary meaning	Ex. 3 ['981 patent] at Claims 18-28, 32-34, 37. Ex. 3 ['981 patent] at Abstract; 1:44-52; 1:58-62; 2:7-20; 20:23-37; 2:40-47; 9:16-27; 9:28-45; 9:46-62; 10:21-25; 10:30-52; 10:42-55; 10:62-11:5; 11:9-13; 11:25-33; 12:28-37. Ex. 3 ['981 patent] at Fig. 1a-1b, 4a-b.	"moving the beam of a [first/second] laser along the [first/second] kerf, which excludes a broad field laser that passes through a mask"	Ex. 3 ['981 patent] at 9:46-55, claims 18-20, 29-30, 32, 34. Ex. 4 , Original Claims at TRIVIDIA000320-331, November 24, 2010 Office Action at TRIVIDIA000554-556, May 23, 2011 Office Action Response at TRIVIDIA000571, TRIVIDIA000574, TRIVIDIA000579-580, October 27, 2011 Notice of Allowance at TRIVIDIA000620.

Term No.	Claim Term	Trividia's Proposed Construction	Trividia's Intrinsic Evidence	Roche's Proposed Construction	Roche's Intrinsic Evidence
			Ex. 4 ['981 patent PH excerpts] at 10/27/2011 NOA.		Ex. 5 [U.S. Patent Application No. 2005/0019953] (discussed in Ex. 4).
10	"conductive component" '981 patent (claims 1, 15)	Plain and ordinary meaning	Ex. 3 ['981 patent] at Claims 1-4, 8, 15-17. Ex. 3 ['981 patent] at Abstract; 2:5-19; 2:20-37; 3:32-35; 3:42-44; 3:49-55; 4:14-39; 4:42-47; 4:41-56; 4:52-5:8; 5:12-24; 5:25-28; 6:24-34; 8:21-36; 8:53-58; 9:4-15; 9:16-27; 10:1-5; 10:11-15; 11:58-61; 11:9-20; 11:25-31; 11:45-56. Ex. 3 ['981 patent] at Fig. 1a-1b, 2, 3 4a-b.	"component configured to at least partially conduct an electrical signal"	Ex. 3 ['981 patent] at 1:58-62, 3:39-44, 3:49-52, 4:14-56, 4:62-5:16, 6:22-34, 8:22-26, 9:4-15, claims 1-4, 15-16. Ex. 4 , Original Claims at TRIVIDIA000320-331, November 24, 2010 Office Action at TRIVIDIA000554-556, May 23, 2011 Office Action Response at TRIVIDIA000579-580. Ex. 5 [U.S. Patent Application No. 2005/0019953] (discussed in Ex. 4).
11	"focused laser beam" '981 patent (claim 18)	Plain and ordinary meaning; not indefinite	Ex. 3 ['981 patent] at Claims 18-20, 29-30, 32, 34. Ex. 3 ['981 patent] at Abstract; 1:44-52;	Indefinite	Ex. 3 ['981 patent] at 5:58-6:3, 9:46-63, 10:33-42, claims 18-22, 29-30, 32, 34. Ex. 4 [Original Claims] at TRIVIDIA000320-331,

Term No.	Claim Term	Trividia's Proposed Construction	Trividia's Intrinsic Evidence	Roche's Proposed Construction	Roche's Intrinsic Evidence
			1:58-62; 2:7-20; 20:23-37; 2:40-47; 9:16-27; 9:28-45; 9:46-62; 10:21-25; 10:30-52; 10:42-55; 10:62-11:5; 11:9-13; 11:20-23; 11:25-33; 12:28-37. Ex. 3 ['981 patent] at Fig. 1a-1b, 4a-b.		[November 24, 2010 Office Action] at TRIVIDIA000554-556, [May 23, 2011 Office Action Response] at TRIVIDIA000571, TRIVIDIA000574-580, [October 27, 2011 Notice of Allowance] at TRIVIDIA000620. Ex. 5 [U.S. Patent Application No. 2005/0019953] (discussed in Ex. 4).

Appendix of Intrinsic Evidence to the Joint Claim Construction Chart

Exhibit No.	Description
1	U.S. Patent No. 7,727,467 (the “’467 patent”)
2	U.S. Patent No. 7,892,849 (the “’849 patent”)
3	U.S. Patent No. 8,128,981 (the “’981 patent”)
4	File History of U.S. Patent No. 8,128,981 (Excerpts) • Original Claims • November 24, 2010 Office Action • May 23, 2011 Office Action Response • October 27, 2011 Notice of Allowance
5	U.S. Patent Application No. 2005/0019953 (“Groll”)
6	File History of U.S. Patent No. 7,892,849 (Excerpts) • April 26, 2010 Preliminary Amendment • October 28, 2010 Notice of Allowance • November 11, 2010 Post-Allowance Communication
7	File History of U.S. Patent No. 7,727,467 (Excerpts) • May 16, 2008 Non-Final Rejection • August 15, 2008 Amended and Response to Non-Final Rejection • November 21, 2008 Final Rejection • January 20, 2009 Response to Final Rejection • January 20, 2009 Applicant Argument and Remarks • July 6, 2009 Non-Final Rejection • September 23, 2009 Response to Non-Final Rejection